

**63RD LEGISLATURE
FIFTEENTH LEGISLATIVE DAY**

Helena, Montana
January 24, 2013

House Chambers
State Capitol

House convened at 1:00 p.m. Representative Knudsen, Speaker Pro Tem, presiding.
Invocation by Representative Bangerter. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Speaker Blasdel, excused. Quorum present.

BILLS (O'Hara, Chair): 1/24/2013

Correctly printed: **HB 66, HB 71, HB 91, HB 100, HB 127, HB 130, HB 140, HB 145, HB 146, HB 162, HB 172, HB 182, HB 187, HB 199, HB 284, HB 285, HB 286, HB 287, HB 288, HB 289, HB 290, HB 291, HB 292, HB 293, HB 294, HB 295.**

Correctly engrossed: **HB 19, HB 28, HB 122, HB 123, HB 143, HB 152, HB 168, HB 188, HB 192.**

Transmitted to the Senate: **HB 22, HB 45, HB 59, HB 70, HB 74, HB 131, HB 155.**

REPORTS OF STANDING COMMITTEES

EDUCATION (Hansen, Chair): 1/23/2013
HB 182, do pass. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Regier, Chair): 1/23/2013
HB 188, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "PRODUCERS;"

Insert: "ESTABLISHING CERTAIN PARAMETERS FOR LONG-TERM CONTRACTS BETWEEN SMALL POWER PRODUCTION FACILITIES AND UTILITIES; GRANTING THE COMMISSION RULEMAKING AUTHORITY;"

2. Title, page 1, line 7.

Following: "DATE"

Insert: "AND APPLICABILITY DATES"

3. Page 1, line 22.

Following: "(a)"

Insert: "(i)"

4. Page 1.

Following: line 25

Insert: "(ii) If a qualifying small power production facility is not eligible to sell electricity to a utility pursuant to a rate schedule approved by the commission, the qualifying small power production facility may enter into a long-term contract to sell electricity only if it is

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selected by a public utility in a competitive solicitation for long-term electricity supply resources."

5. Page 1, line 26.

Strike: "The"

Insert: "For a public utility that has contracts with qualifying small power production facilities with an aggregate total nameplate capacity, excluding the aggregate total nameplate capacity of qualifying small power production facilities using a primary energy source referred to in 18 CFR 292.202(4),(5),(6), or (8), that is less than 15% of the public utility's average daily load, the"

Following: "to"

Strike: "a"

Insert: "the"

6. Page 1, line 27.

Strike: "100 kilowatts"

Insert: "3 megawatts"

7. Page 1, line 28.

Strike: "The"

Insert: "For a public utility that has contracts with qualifying small power production facilities with an aggregate total nameplate capacity, excluding the aggregate total nameplate capacity of qualifying small power production facilities using a primary energy source referred to in 18 CFR 292.202(4),(5),(6), or (8), that is less than 15% of the public utility's average daily load, the"

Following: "to"

Strike: "a"

Insert: "the"

8. Page 1, line 29.

Strike: "100 kilowatts"

Insert: "3 megawatts"

9. Page 1.

Following: line 29

Insert: "(iii) For a public utility that has contracts with qualifying small power production facilities with an aggregate total nameplate capacity, excluding the aggregate total nameplate capacity of qualifying small power production facilities using a primary energy source referred to in 18 CFR 292.202(4),(5),(6), or (8), that is equal to or greater than 15% of the public utility's average daily load, the commission shall approve a rate schedule for sales of electricity to the public utility from a qualifying small power production facility with a design capacity of 100 kilowatts or less.

(iv) For a public utility that has contracts with qualifying small power production facilities with an aggregate total nameplate capacity, excluding the aggregate total nameplate capacity of qualifying small power production facilities using a primary energy source referred to in 18

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CFR 292.202(4),(5),(6), or (8), that is equal to or greater than 15% of the public utility's average daily load, the commission may not approve a rate schedule for sales of electricity to the public utility from a qualifying small power production facility with a design capacity of more than 100 kilowatts.

(v) The commission shall limit the new contracts with standard offer rates for qualifying small power production facilities with a design capacity of more than 100 kilowatts to 6 megawatts of total aggregate design capacity in any calendar year."

10. Page 2, line 1.

Following: "unreasonable."

Insert: "(d) Qualifying small power production facilities that share an interconnection to a public utility are considered one small power production facility for the purposes of eligibility for standard offer rates in accordance with subsection (3)(a) through (3)(c).

(4) Within 90 days of [the effective date of this act], the commission shall adopt rules necessary to implement subsections(3)(a) through(3)(d)."

11. Page 2.

Following: line 4

Insert: "NEW SECTION. Section 3. Applicability -- retroactive applicability. (1)

Except as provided in subsection (2), [this act] applies to:

(a) qualifying small power production facilities that commence commercial operation on or after [the effective date of this act]; or

(b) contracts entered into between qualifying small power production facilities and public utilities on or after [the effective date of this act].

(2) [This act] does not apply to the renewal of a contract between a qualifying small power production facility and a public utility after [the effective date of this act] if the qualifying small power production facility and the public utility entered into the original contract prior to [the effective date of this act].

(3) [This act] applies retroactively, within the meaning of 1-2-109, to rate schedules approved by the public service commission on or after January 1, 2013."

And, as amended, do pass. Report adopted.

HUMAN SERVICES (Howard, Chair):

1/23/2013

HB 28, introduced bill, be amended as follows:

1. Page 3, line 29.

Following: "obstetrician"

Insert: ", "

Strike: "or"

Following: "physician"

Insert: ", or one physician assistant whose duties and delegation agreement includes obstetrical care"

And, as amended, do pass. Report adopted.

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HB 100, do pass. Report adopted.

HB 123, introduced bill, be amended as follows:

1. Page 29, following line 10.

Insert: "NEW SECTION. **Section 21. Nonapplicability.** [This act] does not apply to the coverage, eligibility, rights, responsibilities, or definitions provided for in the affected sections of Titles 50 and 53."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 162, do pass. Report adopted.

BUSINESS AND LABOR (Berry, Chair):

1/24/2013

HB 127, do pass. Report adopted.

HB 187, do pass. Report adopted.

HB 199, do pass. Report adopted.

JUDICIARY (Kerns, Chair):

1/24/2013

HB 140, do pass. Report adopted.

HB 168, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "TETRAHYDROCANNABINOL"

Insert: "DELTA-9-TETRAHYDROCANNABINOL"

2. Page 1, line 14.

Strike: "tetrahydrocannabinol"

Insert: "delta-9-tetrahydrocannabinol"

3. Page 1, line 17.

Strike: "tetrahydrocannabinol level"

Insert: "delta-9-tetrahydrocannabinol level, excluding metabolites"

Following: "blood,"

Strike: "urine, or saliva,"

4. Page 1, line 19.

Strike: "tetrahydrocannabinol level"

Insert: "delta-9-tetrahydrocannabinol level, excluding metabolites"

Following: "blood,"

Strike: "urine, or saliva,"

5. Page 10, line 4.

Strike: "tetrahydrocannabinol (THC)"

Insert: "delta-9-tetrahydrocannabinol"

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6. Page 24, line 13.

Strike: "tetrahydrocannabinol"

Insert: "delta-9-tetrahydrocannabinol"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chair):

1/24/2013

HB 91, do pass. Report adopted.

HB 122, introduced bill, be amended as follows:

1. Title, line 11 through line 12.

Strike: "PROVIDING" on line 11 through "WORK;" on line 12

2. Page 9, line 2 through line 4.

Strike: "Each" on line 2 through "paid." on line 4

And, as amended, do pass. Report adopted.

TAXATION (Miller, Chair):

1/24/2013

HB 19, introduced bill, be amended as follows:

1. Title, page 1, line 14.

Strike: "AN"

Insert: "EFFECTIVE DATES AND"

2. Title, page 1, line 15.

Strike: "DATE"

Insert: "DATES"

3. Page 2, line 3.

Strike: "or fraction of a month"

4. Page 2, line 23.

Following: "subsection"

Insert: "(1)(a),"

Following: "(2)(a)"

Insert: ", "

5. Page 4, line 7.

Following: "taxes."

Insert: "Frivolous positions are those identified under 26 U.S.C. 6702 as those provisions may apply to the provisions of Title 15."

6. Page 14, lines 15 and 16.

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Strike: section 6 in its entirety

Insert: "NEW SECTION. Section 6. Effective dates. (1) Except as provided in subsection (2), [this act] is effective January 1, 2014.

(2) [Sections 3, 7, and this section] are effective on passage and approval."

Insert: "NEW SECTION. Section 7. Applicability. (1) Except as provided in subsection (2), [this act] applies to:

(a) penalties assessed against taxes due or fees due for tax periods beginning after December 31, 2013; and

(b) interest computed under 15-1-216 assessed on income taxes owed after December 31, 2013, regardless of the tax reporting period for which the taxes are owed.

(2) [Section 3] applies retroactively, within the meaning of 1-2-109, to tax periods beginning after December 31, 2012."

And, as amended, do pass. Report adopted.

HB 66, do pass. Report adopted.

HB 143, introduced bill, be amended as follows:

1. Page 1, line 26.

Following: "year"

Insert: ", but using the year 2012 consumer price index,"

And, as amended, do pass. Report adopted.

HB 152, introduced bill, be amended as follows:

1. Title, page 1, line 8 through line 9.

Strike: "APPLICATIONS" on line 8 through "DECISIONS" on line 9

Insert: "AN APPLICANT MAY APPEAL TO DISTRICT COURT FOR A WRIT OF MANDAMUS IF A GOVERNING BODY DOES NOT MAKE A TIMELY DECISION"

2. Page 1, line 22.

Strike: "Except as provided in subsection (2)(c), in"

Insert: "In"

3. Page 1, line 23.

Following: "(1), the"

Insert: "taxpayer must have applied by March 1 of the year during which the benefit is first applicable. The"

4. Page 1, line 24.

Strike: "defined in 76-15-103"

Insert: "provided in 7-1-2121 if a county or 7-1-4127 if an incorporated city or town"

5. Page 1, line 29.

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Strike: "for the first time"

Strike: "30"

Insert: "60"

6. Page 1, line 30.

Following: "i"

Insert: "and"

7. Page 2, lines 1 and 2.

Strike: subsection (ii) in its entirety

Renumber: subsequent subsections

8. Page 2, line 3.

Following: "section"

Insert: "and deny or approve it"

9. Page 2, line 4.

Strike: "30"

Insert: "120"

Strike: "the second due notice publication"

Insert: "receiving the application as provided in subsection (2)(b)(i)"

10. Page 2, lines 5 through 9.

Strike: subsection (c) in its entirety

Insert: "(c) If the governing body fails to hold a hearing or deny or approve the application within 120 days of receiving the application, the applicant may seek from the district court in the jurisdiction in which the county, city, or town is located a writ of mandamus to compel the governing body to make a determination."

Page 2, line 27

Strike: "(a)"

11. Page 2, line 28.

Following: "first"

Insert: "first"

12. Page 2, line 29.

Strike: "or be considered approved as provided under subsection (2)(c)."

Insert: ", and the"

13. Page 2, line 30.

Strike: "(b) The"

14. Page 3, line 3 through line 9.

Strike: subsection (c) in its entirety

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15. Page 4, line 3.

Strike: "Except as provided in subsection (3)(b), in"

Insert: "In"

Strike: "to confer"

Insert: "for a taxpayer to receive"

16. Page 4, line 4.

Following: "(1), the"

Insert: "taxpayer must have applied by March 1 of the year during which the benefit is first applicable. The"

17. Page 4, line 5.

Strike: "defined in 76-15-103"

Insert: "provided in 7-1-2121 if a county or 7-1-4127 if an incorporated city or town"

18. Page 4, line 9.

Strike: "for the first time"

Strike: "30"

Insert: "60"

19. Page 4, line 10.

Following: ":",

Insert: "and"

20. Page 4, lines 11 and 12.

Strike: subsection (ii) in its entirety

Renumber: subsequent subsections

21. Page 4, line 13.

Following: "section"

Insert: "and deny or approve it"

22. Page 4, line 14.

Strike: "30"

Insert: "120"

Strike: "the second due notice publication"

Insert: "receiving the application as provided in subsection (3)(a)(i)"

23. Page 4, lines 15 through 19.

Strike: subsection (b) in its entirety

Insert: "(b) If the governing body fails to hold a hearing or deny or approve the application within 120 days of receiving the application, the applicant may seek from the district court in the jurisdiction in which the county, city, or town is located a writ of mandamus to compel the governing body to make a determination."

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24. Page 6, line 4.

Strike: "Except as provided in subsection (3)(b), in"

Insert: "In"

Strike: "to confer"

Insert: "for a taxpayer to receive"

25. Page 6, line 5.

Following: "(1), the"

Insert: "taxpayer must have applied by March 1 of the year during which the benefit is first applicable. The"

26. Page 6, line 7.

Strike: "defined in 76-15-103"

Insert: "provided in 7-1-2121 if a county or consolidated local government or 7-1-4127 if an incorporated city or town"

27. Page 6, line 12.

Strike: "for the first time"

Strike: "30"

Insert: "60"

28. Page 6, line 13.

Following: "1"

Insert: "and"

29. Page 6, lines 14 and 15.

Strike: subsection (ii) in its entirety

Renumber: subsequent subsections

30. Page 6, line 16.

Following: "section"

Insert: "and deny or approve it"

31. Page 6, line 17.

Strike: "30"

Insert: "120"

Strike: "the second due notice publication"

Insert: "receiving the application as provided in subsection (3)(a)(i)"

32. Page 6, lines 18 through 22.

Strike: subsection (b) in its entirety

Insert: "(b) If the governing body fails to hold a hearing or deny or approve the application within 120 days of receiving the application, the applicant may seek from the district

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court in the jurisdiction in which the county, consolidated local government, city, or town is located a writ of mandamus to compel the governing body to make a determination."

33. Page 7, line 13.

Strike: "Except as provided in subsection (3)(b), in"

Insert: "In"

34. Page 7, line 14.

Following: "(1), the"

Insert: "taxpayer must have applied by March 1 of the year during which the benefit is first applicable. The"

35. Page 7, line 15.

Strike: "defined in 76-15-103"

Insert: "provided in 7-1-2121 if a county or 7-1-4127 if an incorporated city or town"

36. Page 7, line 18.

Strike: "for the first time"

37. Page 7, line 21.

Following: ":",_i"

Insert: "and"

38. Page 7, lines 22 and 23.

Strike: subsection (ii) in its entirety

Renumber: subsequent subsections

39. Page 7, line 24.

Following: "section"

Insert: "and deny or approve it"

40. Page 7, line 25.

Strike: "30"

Insert: "120"

Strike: "the second due notice publication"

Insert: "receiving the application as provided in subsection (3)(a)(i)"

41. Page 7, lines 26 through 30.

Strike: subsection (b) in its entirety

Insert: "(b) If the governing body fails to hold a hearing or deny or approve the application within 120 days of receiving the application, the applicant may seek from the district court in the jurisdiction in which the county, city, or town is located a writ of mandamus to compel the governing body to make a determination."

42. Page 8, line 27.

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Strike: "Except as provided in subsection (3)(b), in"

Insert: "In"

Following: "order"

Insert: "for a taxpayer"

43. Page 8, line 28.

Following: "section, the"

Insert: "taxpayer must have applied by March 1 of the year during which the benefit is first applicable. The"

44. Page 8, lines 29 and 30.

Strike: "defined in 76-15-103"

Insert: "provided in 7-1-2121 if a county, consolidated government, or school district or 7-1-4127 if an incorporated city or town"

45. Page 9, line 12.

Strike: "for the first time"

Strike: "30"

Insert: "60"

46. Page 9, line 13.

Following: ":",

Insert: "and"

47. Page 9, lines 14 and 15.

Strike: subsection (ii) in its entirety

Renumber: subsequent subsections

48. Page 9, line 16.

Following: "section"

Insert: "and deny or approve it"

49. Page 9, line 17.

Strike: "30"

Insert: "120"

Strike: "the second due notice publication"

Insert: "receiving the application as provided in subsection (3)(a)(i)"

50. Page 9, lines 18 through 22.

Strike: subsection (b) in its entirety

Insert: "(b) If the governing body fails to hold a hearing or deny or approve the application within 120 days of receiving the application, the applicant may seek from the district court in the jurisdiction in which the county, consolidated government, city, town, or school district is located a writ of mandamus to compel the governing body to make a determination."

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51. Page 9, line 23.

Strike: "(a)"

52. Page 9, line 25 through page 10, line 1.

Strike: subsection (b) in its entirety

53. Page 10, line 22.

Strike: "Except as provided in subsection (3)(b), in"

Insert: "In"

Following: "order"

Insert: "for a taxpayer"

54. Page 10, line 23.

Following: "section, the"

Insert: "taxpayer must have applied by March 1 of the year during which the benefit is first applicable. The"

55. Page 10, lines 24 and 25.

Strike: "defined in 76-15-103"

Insert: "provided in 7-1-2121 if a county, consolidated government, or school district or 7-1-4127 if an incorporated city or town"

56. Page 11, line 7.

Strike: "for the first time"

Strike: "30"

Insert: "60"

57. Page 11, line 8.

Following: "1"

Insert: "and"

58. Page 11, lines 9 and 10.

Strike: subsection (ii) in its entirety

Renumber: subsequent subsections

59. Page 11, line 11.

Following: "section"

Insert: "and deny or approve it"

60. Page 11, line 12.

Strike: "30"

Insert: "120"

Strike: "the second due notice publication"

Insert: "receiving the application as provided in subsection (3)(a)(i)"

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61. Page 11, lines 13 through 17.

Strike: subsection (b) in its entirety

Insert: "(b) If the governing body fails to hold a hearing or deny or approve the application within 120 days of receiving the application, the applicant may seek from the district court in the jurisdiction in which the county, consolidated government, city, town, or school district is located a writ of mandamus to compel the governing body to make a determination."

62. Page 11, line 18.

Strike: "(a)"

63. Page 11, lines 20 through 26.

Strike: subsection (b) in its entirety

64. Page 12, line 23.

Strike: "Except as provided in subsection (3)(b), in"

Insert: "In"

Following: "order"

Insert: "for a taxpayer"

65. Page 12, line 24.

Following: "section, the"

Insert: "taxpayer must have applied by March 1 of the year during which the benefit is first applicable. The"

66. Page 12, line 26.

Strike: "defined in 76-15-103"

Insert: "provided in 7-1-2121 if a county, consolidated government, or school district or 7-1-4127 if an incorporated city or town"

67. Page 13, line 6.

Strike: "for the first time"

Strike: "30"

Insert: "60"

68. Page 13, line 7.

Following: "·₁"

Insert: "and"

69. Page 13, lines 8 and 9.

Strike: subsection (ii) in its entirety

Renumber: subsequent subsections

70. Page 13, line 10.

Following: "section"

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Insert: "and deny or approve it"

71. Page 13, line 11.

Strike: "30"

Insert: "120"

Strike: "the second due notice publication"

Insert: "receiving the application as provided in subsection (3)(a)(i)"

72. Page 13, lines 12 through 16.

Strike: subsection (b) in its entirety

Insert: "(b) If the governing body fails to hold a hearing or deny or approve the application within 120 days of receiving the application, the applicant may seek from the district court in the jurisdiction in which the county, consolidated government, city, town, or school district is located a writ of mandamus to compel the governing body to make a determination."

73. Page 13, line 17.

Strike: "(a)"

74. Page 13, lines 19 through 25.

Strike: subsection (b) in its entirety

75. Page 13, line 29.

Strike: "or it is considered approved under subsection (3)(b)"

And, as amended, do pass. Report adopted.

HB 192, introduced bill, be amended as follows:

1. Page 1, line 22 through line 23.

Strike: "The penalty" on line 22 through "the transfer." on line 23

2. Page 2, line 2.

Following: ";

Strike: "and"

3. Page 2, line 3.

Strike: "."

Insert: "; and"

4. Page 2, line 3.

Following: line 3

Insert: "(e) the taxpayer identification number."

5. Page 2, line 4.

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Strike: "filed"

Insert: "recorded"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate joint resolution passed and transmitted to the House for concurrence: 1/24/2013

SJR 2, introduced by Tutvedt

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 284, introduced by Cook, referred to Business and Labor.

HB 285, introduced by Pease-Lopez, referred to Judiciary.

HB 286, introduced by Brockie, referred to State Administration.

HB 287, introduced by Salomon, Vuckovich, referred to Judiciary.

HB 288, introduced by Schwaderer, Arntzen, Ballance, G. Bennett, Blasdel, Blyton, Clark, Ehli, Halvorson, Hansen, Hertz, Jackson, D. Jones, Lavin, Lenz, McNiven, Regier, C. Smith, Taylor, Vance, Washburn, referred to Education.

HB 289, introduced by Eck, Lynch, Pomnichowski, referred to Human Services.

HB 290, introduced by O'Neil, referred to Judiciary.

HB 291, introduced by Kerns, referred to Natural Resources.

HB 292, introduced by Brodehl, Edmunds, Greef, Lavin, Regier, C. Smith, referred to Judiciary.

HB 293, introduced by Lieser, Flynn, referred to Federal Relations, Energy, and Telecommunications.

HB 294, introduced by Lieser, referred to Federal Relations, Energy, and Telecommunications.

HB 295, introduced by Lieser, referred to Federal Relations, Energy, and Telecommunications.

The following Senate bills were introduced, read first time, and referred to committees:

SB 15, introduced by Wanzenried (by request of the Department of Revenue), referred to Taxation.

SB 16, introduced by Dick Barrett (by request of the Revenue and Transportation Interim Committee), referred to Taxation.

SB 39, introduced by Vincent (by request of the Environmental Quality Council), referred to Natural Resources.

SB 43, introduced by Wittich (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Human Services.

SB 51, introduced by Augare (by request of the Law and Justice Interim Committee), referred to Human Services.

SB 60, introduced by Vuckovich (by request of the Environmental Quality Council), referred to Agriculture.

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SB 72, introduced by Debby Barrett, referred to Agriculture.

SB 75, introduced by Priest, referred to Fish, Wildlife and Parks.

SB 111, introduced by Rosendale, Ballance, D. Brown, Thomas, referred to Transportation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 2, introduced by Tutvedt, referred to Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Vance moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McClafferty in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 71 - Representative MacDonald moved **HB 71** do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Curtis, Dudik, Eck, Ehli, Flynn, Gibson, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jacobson, Jones, Kary, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Regier, Reichner, Schreiner, Schwaderer, Shaw, B. Smith, Squires, Steenberg, Swanson, Wagoner, Whitford, Williams, Wilmer, Wilson, Woods.

Total 72

Nays: Blyton, Brodehl, Cuffe, Doane, Edmunds, Fiscus, Fitzpatrick, Galt, Glimm, Greef, Harris, Howard, Kerns, Knudsen, Lang, McNiven, Osmundson, Randall, Redfield, Salomon, C. Smith, Vance, Warburton, Washburn, Welborn, White, Zolnikov, Mr. Speaker.

Total 28

Voted Absentee: Mr. Speaker, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 130 - Representative Fitzpatrick moved **HB 130** do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Court, Cuffe, Curtis, Doane, Dudik, Eck, Ehli, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 94

Nays: Brodehl, Cook, Edmunds, Fiscus, Kerns, Squires.

Total 6

Voted Absentee: Mr. Speaker, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 145 - Representative Harris moved **HB 145** do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brockie, Brodehl, Clark, Connell, Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hollandsworth, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McClafferty, McNiven, Miller, Moore, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Vance, Wagoner, Warburton, Washburn, White, Zolnikov, Mr. Speaker.

Total 59

Nays: B. Bennett, Boland, Boss Ribs, Coffin, Court, Curtis, Dudik, Eck, Gibson, Gursky, Hertz, Hill, Hollenbaugh, Hoven, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McChesney, McNally, Mehlhoff, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Schreiner, B. Smith, Squires, Steenberg, Swanson, Welborn, Whitford, Williams, Wilmer, Wilson, Woods.

Total 41

Voted Absentee: Mr. Speaker, Aye.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 146 - Representative Hansen moved **HB 146** do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 96

Nays: Court, MacDonald, Pomnichowski, Williams.

Total 4

Voted Absentee: Mr. Speaker, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 172 - Representative O'Hara moved **HB 172** do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 99

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Nays: Doane.

Total 1

Voted Absentee: Mr. Speaker, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Vance moved the committee rise and report. Motion carried. Committee arose. House resumed. Representative Knudson, Speaker Pro Tem, presiding. Chair McClafferty moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov.

Total 98

Nays: None.

Total 0

Voted Absentee: Mr. Speaker, None.

Excused: Mr. Speaker.

Total 1

Absent or not voting: Kary.

Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

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HB 72 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, Squires, Steenberg, Swanson, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods.

Total 88

Nays: Blyton, Brodehl, Doane, Harris, Kerns, Osmundson, Randall, Redfield, C. Smith, Vance, Zolnikov.

Total 11

Voted Absentee: None.

Excused: Mr. Speaker.

Total 1

Absent or not voting: None.

Total 0

HB 73 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Wilmer, Wilson, Woods, Zolnikov.

Total 96

Nays: Brockie, Pease-Lopez, Williams.

Total 3

Voted Absentee: None.

Excused: Mr. Speaker.

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Total 1

Absent or not voting: None.

Total 0

HB 77 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov.

Total 97

Nays: Doane, Kerns.

Total 2

Voted Absentee: None.

Excused: Mr. Speaker.

Total 1

Absent or not voting: None.

Total 0

HB 104 passed as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Mehlhoff, Miller, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Vance, Wagoner, Warburton, Washburn, Welborn, White, Zolnikov.

Total 59

Nays: B. Bennett, Boland, Boss Ribs, Brockie, Coffin, Court, Curtis, Dudik, Eck, Gursky, Hagan, Hill, Hollenbaugh, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Moore, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Schreiner, B. Smith, Squires, Steenberg, Swanson, Whitford, Williams, Wilmer, Wilson, Woods.

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Total 40

Voted Absentee: None.

Excused: Mr. Speaker.

Total 1

Absent or not voting: None.

Total 0

HB 141 passed as follows:

Yeas: Ankney, Ballance, B. Bennett, Berry, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Curtis, Dudik, Edmunds, Ehli, Fiscus, Fitzpatrick, Gibson, Glimm, Gursky, Hagan, Hagstrom, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jacobson, Kary, Knudsen, Lavin, Lieser, Lynch, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Miller, Moore, Neill, Noonan, O'Neil, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Salomon, Schreiner, Schwaderer, B. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov.

Total 67

Nays: Bangerter, J. Bennett, Blyton, Brodehl, Court, Cuffe, Doane, Eck, Flynn, Galt, Greef, Halvorson, Hansen, Harris, Howard, Ingraham, Jones, Kerns, Lang, Laszloffy, Lenz, MacDonald, McNiven, O'Hara, Osmundson, Redfield, Regier, Reichner, C. Smith, Warburton, White.

Total 31

Voted Absentee: None.

Excused: Mr. Speaker.

Total 1

Absent or not voting: Shaw.

Total 1

HB 190 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer,

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Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton,
Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov.
Total 99

Nays: None.
Total 0

Voted Absentee: None.

Excused: Mr. Speaker.
Total 1

Absent or not voting: None.
Total 0

HB 212 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs,
Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck,
Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan,
Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard,
Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz,
Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff,
Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson,
Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer,
Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton,
Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov.
Total 99

Nays: None.
Total 0

Voted Absentee: None.

Excused: Mr. Speaker.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Vance moved **HB 71** be moved to the Appropriations committee.
Majority Leader Vance moved **HB 146** be moved to the Appropriations committee.

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UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to **HB 210**
Motion carried.

HB 210 (McClafferty Chief Sponsor)
Representatives Hansen and Salomon.

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to **HB 259**
Motion carried.

HB 259 (Hunter Chief Sponsor)
Senators Facey, Keane, Larsen, Rosendale, Thomas, Representatives Bangerter, Berry,
Boland, Clark, Court, Cuffe, Curtis, Dudik, Eck, Greef, Hagan, Hill, Hollenbaugh, Jacobson,
Kary, Lang, Lieser, Lynch, MacDonald, Mehlhoff, Miller, D. Moore, Neill, Noonan, O'Hara,
Peppers, Price, Reichner, Salomon, C. Smith, Squires, Steenberg, and Welborn.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Vance moved that the House adjourn until 1:00 p.m., Friday, January 25, 2013.
Motion carried.

House adjourned at 1:45 p.m.

LINDSEY GROVOM
Chief Clerk of the House

MARK BLASDEL
Speaker of the House